

tions against the Castro government in Cuba, to plan for the support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

The SPEAKER pro tempore, Mr. TORKILDSEN, by unanimous consent, designated Mr. DUNCAN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. KIM, assumed the Chair.

When Mr. DUNCAN, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶118.30 SUBPOENA

The SPEAKER pro tempore, Mr. KIM, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1995.
Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for testimony and the production of documents by the Justice Court of the State of Arizona, in and for the County of Pima in connection with a civil case.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

JIM KOLBE,
Member of Congress.

¶118.31 ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 402. An Act to amend the Alaska Native Claims Settlement Act, and for other purposes.

And then,

¶118.32 ADJOURNMENT

On motion of Mr. HAYWORTH, at 12 o'clock midnight, the House adjourned.

¶118.33 REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY; Committee on Commerce.
H.R. 1020. A bill to amend the Nuclear Waste Policy Act of 1982; with an amendment (Rept. No. 10-4-254, Pt. 1). Ordered to be printed.

¶118.34 TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. Referral to the Committees on Resources and the Budget extended for a period ending not later than October 20, 1995.

¶118.35 DISCHARGE OF COMMITTEE

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1020. The Committee on Transportation and Infrastructure discharged.

¶118.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE (for himself, Mr. STUMP, Mr. BRYANT of Tennessee, Mr. HAYWORTH, Mr. BOEHNER, Mr. DORNAN, Mr. BARTLETT of Maryland, Mr. SKEEN, Mr. EMERSON, Mr. UNDERWOOD, and Mr. SHADEGG):

H.R. 2367. A bill to amend the Clean Air Act to further protect and enhance the public interest by ensuring an orderly transition from chlorofluorocarbons [CFC's] and halons to substitute compounds, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 2368. A bill to establish audit authority in the U.S. General Accounting Office over the Niagara Falls Bridge Commission; to the Committee on Transportation and Infrastructure.

By Mr. UNDERWOOD (for himself and Mr. FALEOMAVAEGA):

H.R. 2369. A bill to provide for the development of the fishery resource within the exclusive economic zone of the insular areas of the United States, and for other purposes; to the Committee on Resources.

By Mr. STOCKMAN:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution of the United States regarding congressional pay and pensions; to the Committee on the Judiciary.

By Mr. PORTER (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. HYDE, and Mr. HOYER):

H. Con. Res. 102. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

¶118.37 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. BASS.
H.R. 89: Mr. NEUMANN.
H.R. 156: Mr. FRAZER, Mr. BLUTE, and Mr. STEARNS.

H.R. 325: Mr. HOYER.
H.R. 528: Mr. TAYLOR of North Carolina, Mr. DIAZ-BALART, Mr. STOCKMAN, Mr. HALL of Ohio, Mr. WOLF, Mr. BALLENGER, and Mr. HALL of Texas.

H.R. 580: Mr. JONES.
H.R. 598: Mr. HEFNER, Mr. LOBIONDO, Mr. MINGE, Mr. REED, Mr. MCCOLLUM, and Mr. QUINN.

H.R. 764: Miss COLLINS of Michigan.
H.R. 789: Mr. KAPTUR.
H.R. 833: Mrs. MEYERS of Kansas.
H.R. 885: Mr. ACKERMAN, Mr. MANTON, Mr. NADLER, Mr. SCHUMER, Mr. TOWNS, Mr. OWENS, Ms. VELAZQUEZ, Mrs. MALONEY, Mr. ENGEL, Mrs. KELLY, Mr. McNULTY, Mr. MCHUGH, Mr. WALSH, Mr. HINCHEY, Mr. MCINTOSH, and Mr. LAFALCE.

H.R. 924: Mr. KILDEE.
H.R. 1020: Mr. WAMP, Mr. HOKE, Mr. BATEMAN, and Mr. HASTINGS of Washington.

H.R. 1023: Mr. MCHUGH and Ms. MOLINARI.
H.R. 1133: Ms. DANNER, Mr. SOUDER, and Mr. HANCOCK.

H.R. 1136: Mr. ACKERMAN, Mr. MILLER of California, Mr. HORN, Mr. HASTINGS of Flor-

ida, Mr. JEFFERSON, Mr. MCKEON, Mr. OWENS, and Mr. ROMERO-BARCELO.

H.R. 1202: Mr. COBLE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1386: Mr. NEY, Mr. MORAN, and Mr. COX.

H.R. 1400: Mr. SANDERS.

H.R. 1488: Mr. STUMP, Mr. HAMILTON, Mr. HEFLEY, Mr. DOOLITTLE, Mr. HAYES, Mr. BUCHER, Mr. HUTCHINSON, Mr. NEUMANN, Mr. SPENCE, and Mr. LAUGHLIN.

H.R. 1591: Mr. LANTOS.

H.R. 1662: Mr. BEREUTER, Mr. SKEEN, Mr. HEFNER, Mr. JOHNSON of Florida, Mr. BISHOP, and Mr. NUSSLE.

H.R. 1753: Mr. PICKETT, Mr. PALLONE, Mr. BREWSTER, Ms. DELAURO, Mr. DICKEY, Ms. ESHOO, Mr. FARR, Mr. FAZIO of California, Ms. FURSE, Mrs. LINCOLN, Mr. MCKEON, Mr. POMBO, Ms. VELAZQUEZ, Mr. BAKER of California, Mr. FRELINGHUYSEN, Mr. HOEKSTRA, Mrs. KENNELLY, and Mr. RAHALL.

H.R. 1776: Mr. ZELIFF, Ms. MCKINNEY, Mr. HUTCHINSON, and Mr. PORTMAN.

H.R. 1801: Mr. HASTERT.

H.R. 1818: Mr. HANSEN and Mr. PARKER.

H.R. 1821: Mr. METCALF and Mr. LIVINGSTON.

H.R. 1893: Mrs. KELLY, Mr. KINGSTON, Mr. RANGEL, Mr. NEY, Mr. JACOBS, and Mr. DAVIS.

H.R. 1916: Mr. BARTON of Texas, Mr. BEIL-ENSON, Mr. DORNAN, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. MANZULLO, Mrs. MEYERS of Kansas, Ms. PRYCE, Mr. QUILLEN, Mr. SERRANO, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, and Ms. RIVERS.

H.R. 1956: Mr. CALLAHAN, Mrs. FOWLER, Mr. PICKETT, Mr. METCALF, and Mr. GILLMOR.

H.R. 1960: Mr. BURTON of Indiana, Mr. HOSTETTLER, and Ms. MOLINARI.

H.R. 1970: Mr. HASTINGS of Florida and Mr. ACKERMAN.

H.R. 1974: Mr. FRANKS of New Jersey.

H.R. 2019: Ms. DELAURO, Mr. FOGLIETTA, and Mr. PAYNE of Virginia.

H.R. 2072: Mr. INGLIS of South Carolina, Mrs. ROUKEMA, Mrs. CHENOWETH, and Mr. HERGER.

H.R. 2090: Mr. WELDON of Pennsylvania.

H.R. 2144: Mr. ALLARD, Mr. CAMP, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mr. ROEMER.

H.R. 2172: Mr. LIGHTFOOT.

H.R. 2179: Mr. KOLBE.

H.R. 2199: Mr. STEARNS.

H.R. 2205: Mr. LATHAM, Mrs. MINK of Hawaii, Mr. STUPAK, Mr. EVANS, Mr. ORTIZ, and Mr. RIGGS.

H.R. 2270: Mr. DOOLITTLE, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. STUMP, Mr. HERGER, Mr. BAKER of California, and Mr. BARTLETT of Maryland.

H.R. 2277: Mr. MILLER of Florida and Mr. ROHRBACHER.

H.R. 2289: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, and Mr. CLEMENT.

H.R. 2341: Mr. STEARNS, Mr. BOEHNER, Mr. DREIER, Mr. JACOBS, Mr. LIVINGSTON, and Mr. KOLBE.

H.R. 2364: Mrs. CHENOWETH.

H. Con. Res. 54: Mr. FRANKS of Connecticut.

THURSDAY, SEPTEMBER 21, 1995 (119)

¶119.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HAYWORTH, who laid before the House the following communication:

WASHINGTON, DC,
September 21, 1995.

I hereby designate the Honorable J.D. HAYWORTH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶119.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HAYWORTH, announced he had examined and approved the Journal of the proceedings of Wednesday, September 30, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶119.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1452. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1453. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, sections 810(2) and 810(h)(3)(B), USC; to the Committee on Veterans' Affairs.

1454. A letter from the Secretary, Department of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1455. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the annual report entitled "Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access," pursuant to Public Law 101-239; jointly, to the Committees on Ways and Means and Commerce.

¶119.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; and

S. Con. Res. 27. Concurrent resolution correcting the enrollment of H.R. 402.

¶119.5 SANCTIONS AGAINST CUBA

The SPEAKER pro tempore, Mr. HAYWORTH, pursuant to House Resolution 225 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for the support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

Mr. DUNCAN, Chairman of the Committee of the Whole, resumed the

chair; and after some time spent therein,

¶119.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. McDERMOTT:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

- Sec. 101. Statement of policy.
- Sec. 102. Enforcement of the economic embargo of Cuba.
- Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
- Sec. 104. United States opposition to Cuban membership in international financial institutions.
- Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
- Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
- Sec. 107. Television broadcasting to Cuba.
- Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
- Sec. 109. Authorization of support for democratic and human rights groups and international observers.
- Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
- Sec. 111. Expulsion of criminals from Cuba.
- Sec. 112. Exports of food or medical items.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

- Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
- Sec. 202. Assistance for the Cuban people.
- Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
- Sec. 204. Termination of the economic embargo of Cuba.
- Sec. 205. Requirements for a transition government.
- Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

- Sec. 301. Statement of policy.
- Sec. 302. Liability for trafficking in property confiscated from United States nationals.
- Sec. 303. Determination of claims to confiscated property.
- Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

- Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:
(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely non-democratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to "terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance".

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to "implement so much as one comma" of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning "violations of human rights and fundamental freedoms" in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . . to maintain or restore international peace and security."

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently au-

thorized the use of "all necessary means" to restore the "democratically elected government of Haiti", and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) **COMMERCIAL ACTIVITY.**—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) **CONFISCATED.**—As used in titles I and III, the term "confiscated" refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) **CUBAN GOVERNMENT.**—(A) The term "Cuban Government" includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section.

(5) **DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.**—The term "democratically elected government in Cuba" means a government determined by the President to have met the requirements of section 206.

(6) **ECONOMIC EMBARGO OF CUBA.**—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) **FOREIGN NATIONAL.**—The term "foreign national" means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) **KNOWINGLY.**—The term "knowingly" means with knowledge or having reason to know.

(9) **PROPERTY.**—(A) The term "property" means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term "property" shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) **TRAFFICS.**—(A) As used in title III, a person or entity "traffics" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property; or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term "traffics" does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) **TRANSITION GOVERNMENT IN CUBA.**—The term "transition government in Cuba" means a government determined by the

President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or
(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

"(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code."

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting "SEC. 16." before "(a)".

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and"; and

(4) by adding at the end the following flush sentence:

"As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section."

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—
(1) the term "permanent resident alien" means an alien admitted for permanent residence into the United States; and

(2) the term "United States agency" has the meaning given the term "agency" in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking "of military facilities" and inserting "military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos".

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in non-market based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or".

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

"(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

"(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

"(B) imports from the Cuban Government at preferential tariff rates;

"(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

"(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

"(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

"(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section."

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately \$200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

"(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

"(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

"(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

"(C) The report required by subparagraph (B) may be submitted in classified form.

"(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

"(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

"(B) democratic political reform and rule of law activities;

"(C) technical assistance for safety upgrades of civilian nuclear power plants;

"(D) the creation of private sector and nongovernmental organizations that are independent of government control;

"(E) the development of a free market economic system; and

"(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160)."

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or

forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than \$5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that "the United States opposes the con-

struction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco."

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the

objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and non-governmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160).

(3) DEFINITION.—As used in paragraph (1), the term "assistance" means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term "assistance" does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 112. EXPORTS OF FOOD OR MEDICAL ITEMS.

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by striking the period at the end of the second sentence and inserting the following: ", except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment, or staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products."

(b) LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 8, 1962, the Export Administration Regulations (15 CFR 368-399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment, or staple foods.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba—

(A) a medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subjects to export controls under such section; or

(B) of staple foods.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba—

(A) of medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the foreign policy or economy of the United States; or

(B) of staple foods.

(d) DEFINITION.—For purposes of this section, the term "staple foods" means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.

(e) CONFORMING AMENDMENTS.—(1) Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(A) in subsection (b)—

(i) in the subsection caption by inserting "AND EXPORTS OF STAPLE FOODS" after "FOOD"; and

(ii) by striking the period at the end and inserting the following: "or prohibit exports to Cuba of staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.";

(B) by amending subsection (c)(1) to read as follows:

"(1) except to the extent such restrictions—

"(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

"(B) are imposed under section 208 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States"; and

(C) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 1704(b)(2)(B)(i) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)(B)(i)) is amended by inserting after "Cuba," the following: "or exports of staple foods permitted under section 1705(b)."

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in

Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) **REPORTS TO CONGRESS.**—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) **IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.**—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) **ANNUAL REPORTS TO CONGRESS.**—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) **REPROGRAMMING.**—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) **PRESIDENTIAL ACTIONS.**—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) **SUSPENSION OF CERTAIN PROVISIONS OF LAW.**—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the “Republic of Cuba”;

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) **ADDITIONAL PRESIDENTIAL ACTIONS.**—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elect-

ed government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) **CONFORMING AMENDMENTS.**—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking “Republic of Cuba”;

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) **REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.**—

(1) **REVIEW.**—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) **JOINT RESOLUTIONS.**—For purposes of this subsection, the term “joint resolution” means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: “That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____,” with the blank space being filled with the appropriate date.

(3) **REFERRAL TO COMMITTEES.**—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) **PROCEDURES.**—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens)

property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the

court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term "agency or instrumentality of a foreign state" has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

"§1331a. Civil actions involving confiscated property

"The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

"1331a. Civil actions involving confiscated property."

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following:

"(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes."

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or non-monetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

“EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

“SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.”.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal

of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

“EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

“SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

“(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.”.

TITLE IV—EXCLUSION OF CERTAIN ALIENS**SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.**

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms “confiscated” and “confiscation” refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term “property” does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity “traffics” in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property.

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term “traffics” does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of “traffics” that occur on or after the date of the enactment of this Act.

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AYES—138

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Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
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Brown (CA)
Bryant (TX)
Clay

Clayton
Clement
Clyburn
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
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Dingell
Dixon
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Dooley
Durbin
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Farr
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Fazio
Fields (LA)
Filner
Flake
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Frank (MA)
Frost
Furse
Gejdenson

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Gonzalez
Gordon
Hall (OH)
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Harman
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Hinchey
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Jackson-Lee
Jacobs
Johnson (SD)
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Kennedy (RI)
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Kildee
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Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney

Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Oliver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard

Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
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Radanovich
Ramstad
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Richardson
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Ros-Lehtinen
Rose
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NOT VOTING—13

Blute
Collins (IL)
Gephardt
Hilleary
Jefferson
Moakley
Ney
Payne (NJ)
Reynolds
Salmon
Sisisky
Stokes
Tucker

Thurman
Tiahrt
Torkildsen
Torricelli
Trafigant
Upton
Volkmer
Vucanovich
Waldholtz
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NOES—283

Ackerman
Allard
Andrews
Archer
Army
Bachus
Baker (CA)
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Ballenger
Barcia
Barr
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Bartlett
Barton
Bass
Bateman
Bentsen
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Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
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Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay

Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrist
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde

Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Peterson (FL)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

When Mr. DUNCAN, Chairman, pursuant to House Resolution 225, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purposes.

Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.

Sec. 102. Enforcement of the economic embargo of Cuba.

Sec. 103. Prohibition against indirect financing of the Castro dictatorship.

Sec. 104. United States opposition to Cuban membership in international financial institutions.

Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.

Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.

Sec. 107. Television broadcasting to Cuba.

Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.

Sec. 109. Authorization of support for democratic and human rights groups and international observers.

Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.

Sec. 111. Expulsion of criminals from Cuba.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.

Sec. 202. Assistance for the Cuban people.

Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.

Sec. 204. Termination of the economic embargo of Cuba.

Sec. 205. Requirements for a transition government.

Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.

Sec. 302. Liability for trafficking in property confiscated from United States nationals.

Sec. 303. Determination of claims to confiscated property.

Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:
(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely non-democratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the

people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to "terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance".

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as "pluralistic garbage" and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in

Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to "implement so much as one comma" of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning "violations of human rights and fundamental freedoms" in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . . to maintain or restore international peace and security."

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a "threat to peace" under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of "all necessary means" to restore the "democratically elected government of Haiti", and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations, the Committee on Ways

and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term "commercial activity" has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term "confiscated" refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term "Cuban Government" includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term "agency or instrumentality of the Government of Cuba" means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with "Cuba" substituted for "a foreign state" each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term "economic embargo of Cuba" refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term "foreign national" means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term "knowingly" means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term "property" means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term "property" shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) **TRAFFICS.**—(A) As used in title III, a person or entity “traffics” in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property;

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property; or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term “traffics” does not include—
(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) **TRANSITION GOVERNMENT IN CUBA.**—The term “transition government in Cuba” means a government determined by the President to have met the requirements of section 205.

(12) **UNITED STATES NATIONAL.**—The term “United States national” means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) **POLICY.**—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) **DIPLOMATIC EFFORTS.**—The Secretary of State shall ensure that United States diplo-

matic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) **EXISTING REGULATIONS.**—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) **TRADING WITH THE ENEMY ACT.**—

(1) **CIVIL PENALTIES.**—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

“(b)(1) A civil penalty of not to exceed \$50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

“(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

“(3) The penalties provided under this subsection may not be imposed for—

“(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

“(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

“(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

“(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.”

(2) **FORFEITURE OF PROPERTY USED IN VIOLATION.**—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) **CLERICAL AMENDMENT.**—Section 16 of the Trading With the Enemy Act is further amended by inserting “SEC. 16.” before “(a)”.

(e) **COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.**—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and”; and

(4) by adding at the end the following flush sentence:

“As used in this paragraph, the term ‘agency or instrumentality of the Government of Cuba’ means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ‘Cuba’ substituted for ‘a foreign state’ each place it appears in such section.”

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) **PROHIBITION.**—Notwithstanding any other provision of law, no loan, credit, or

other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) **TERMINATION OF PROHIBITION.**—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) **PENALTIES.**—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) **DEFINITIONS.**—As used in this section—

(1) the term “permanent resident alien” means an alien admitted for permanent residence into the United States; and

(2) the term “United States agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) **OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.**—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba’s application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

(b) **REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.**—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) **DEFINITION.**—For purposes of this section, the term “international financial institution” means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) **REPORTING REQUIREMENT.**—Not later than 90 days after the date of the enactment

of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) **CRITERIA FOR ASSISTANCE.**—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking “of military facilities” and inserting “military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos”.

(c) **INELIGIBILITY FOR ASSISTANCE.**—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking “or” at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in non-market based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or”.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

“(3) **NONMARKET BASED TRADE.**—As used in section 498A(b)(5), the term ‘nonmarket based trade’ includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

“(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

“(B) imports from the Cuban Government at preferential tariff rates;

“(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

“(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

“(4) **CUBAN GOVERNMENT.**—(A) The term ‘Cuban Government’ includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

“(B) For purposes of subparagraph (A), the term ‘agency or instrumentality of the Government of Cuba’ means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ‘Cuba’ substituted for ‘a foreign state’ each place it appears in such section.”.

(d) **FACILITIES AT LOURDES, CUBA.**—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately \$200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

“(d) **REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.**—(1)

Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

“(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

“(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

“(C) The report required by subparagraph (B) may be submitted in classified form.

“(D) For purposes of this paragraph, the term ‘appropriate congressional committees’ includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

“(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

“(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

“(B) democratic political reform and rule of law activities;

“(C) technical assistance for safety upgrades of civilian nuclear power plants;

“(D) the creation of private sector and nongovernmental organizations that are independent of government control;

“(E) the development of a free market economic system; and

“(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160).”.

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) **CONVERSION TO UHF.**—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) **PERIODIC REPORTS.**—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) **TERMINATION OF BROADCASTING AUTHORITIES.**—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) **REPORTS REQUIRED.**—Not later than 90 days after the date of the enactment of this

Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) **CONTENTS OF REPORTS.**—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba’s commerce with foreign countries, including an identification of Cuba’s trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) **AUTHORIZATION.**—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than \$5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that “the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba’s ability to ensure the safe operation of the facility and because of Cuba’s refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.”

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba’s nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant’s safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors’ dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining an-

swers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets’ launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant’s safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160).

(3) DEFINITION.—As used in paragraph (1), the term “assistance” means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term “assistance” does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of

or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in pre-

paring the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be

made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) **PRESIDENTIAL ACTIONS.**—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) **SUSPENSION OF CERTAIN PROVISIONS OF LAW.**—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) **ADDITIONAL PRESIDENTIAL ACTIONS.**—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) **CONFORMING AMENDMENTS.**—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking "Republic of Cuba";

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) **REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.**—

(1) **REVIEW.**—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) **JOINT RESOLUTIONS.**—For purposes of this subsection, the term "joint resolution" means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____", with the blank space being filled with the appropriate date.

(3) **REFERRAL TO COMMITTEES.**—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be

referred to the Committee on Foreign Relations.

(4) **PROCEDURES.**—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at

the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of

enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term “agency or instrumentality of a foreign state” has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

“§1331a. Civil actions involving confiscated property

“The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

“1331a. Civil actions involving confiscated property.”.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following:

“(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.”.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or non-monetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section

based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the in-

validation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

“EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

“SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.”.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

“EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

“SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

“(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.”.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms “confiscated” and “confiscation” refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term “property” does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity “traffics” in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term “traffics” does not include—

(i) the delivery of international telecommunication signals to Cuba that are au-

thorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of “traffics” that occur on or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. JOHNSTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 294
affirmative Nays 130

¶119.8

[Roll No. 683]

AYES—294

Ackerman	Clinger	Franks (NJ)
Allard	Coble	Frelinghuysen
Andrews	Coburn	Frisa
Archer	Coleman	Frost
Armey	Collins (GA)	Funderburk
Bachus	Combest	Gallegly
Baker (CA)	Condit	Ganske
Baker (LA)	Cooley	Gekas
Ballenger	Costello	Gephardt
Barcia	Cox	Geren
Barr	Cramer	Gilchrest
Bartlett	Crane	Gillmor
Barton	Crapo	Gilman
Bass	Creameans	Goodlatte
Bateman	Cubin	Goodling
Bentsen	Cunningham	Gordon
Bevill	Danner	Goss
Bilbray	Davis	Graham
Bilirakis	de la Garza	Green
Bishop	Deal	Greenwood
Bliley	DeLay	Gunderson
Blute	Deutscher	Gutierrez
Boehlert	Diaz-Balart	Gutknecht
Boehner	Dickey	Hall (TX)
Bonilla	Doolittle	Hancock
Bono	Dornan	Hansen
Borski	Doyle	Hastert
Browder	Dreier	Hastings (WA)
Brown (FL)	Duncan	Hayworth
Brown (OH)	Dunn	Hefley
Brownback	Durbin	Heineman
Bryant (TN)	Edwards	Herger
Bunn	Ehlers	Hilleary
Bunning	Ehrlich	Hobson
Burr	Emerson	Hoekstra
Burton	Engel	Hoke
Buyer	English	Holden
Callahan	Ensign	Horn
Calvert	Everett	Houghton
Camp	Ewing	Hoyer
Canady	Fawell	Hunter
Cardin	Fazio	Hutchinson
Castle	Fields (TX)	Hyde
Chabot	Flanagan	Inglis
Chambliss	Foley	Istook
Chapman	Forbes	Johnson (CT)
Chenoweth	Fowler	Johnson, Sam
Christensen	Fox	Jones
Chrysler	Franks (CT)	Kaptur

Kasich	Molinari	Shaw
Kelly	Mollohan	Shays
Kennedy (RI)	Montgomery	Shuster
Kennelly	Moorhead	Skeen
Kim	Murtha	Skelton
King	Myers	Smith (MI)
Kingston	Myrick	Smith (NJ)
Klug	Nethercutt	Smith (TX)
Knollenberg	Neumann	Smith (WA)
Kolbe	Ney	Solomon
LaHood	Norwood	Souder
Lantos	Nussle	Spence
Largent	Ortiz	Spratt
Latham	Oxley	Stearns
LaTourette	Packard	Stenholm
Laughlin	Pallone	Stockman
Lazio	Paxon	Stump
Leach	Peterson (MN)	Talent
Levin	Petri	Tate
Lewis (CA)	Pickett	Tauzin
Lewis (KY)	Pombo	Taylor (NC)
Lightfoot	Pomeroy	Tejeda
Linder	Porter	Thomas
Lipinski	Portman	Thornberry
Livingston	Poshard	Thurman
LoBiondo	Pryce	Tiahrt
Longley	Quillen	Torkildsen
Lucas	Quinn	Torrice
Manton	Radanovich	Upton
Manzullo	Rahall	Volkmer
Martini	Ramstad	Vucanovich
Mascara	Regula	Waldholtz
Matsui	Riggs	Walker
McCarthy	Roberts	Walsh
McCollum	Rogers	Wamp
McCrery	Rohrabacher	Watts (OK)
McDade	Ros-Lehtinen	Weldon (FL)
McHugh	Rose	Weldon (PA)
McInnis	Roth	Weller
McIntosh	Roukema	White
McKeon	Royce	Whitfield
McNulty	Sanford	Wicker
Meek	Saxton	Wilson
Menendez	Scarborough	Wolf
Metcalfe	Schaefer	Young (AK)
Meyers	Schiff	Young (FL)
Mica	Seastrand	Zeliff
Miller (FL)	Sensenbrenner	Zimmer
Mineta	Shadegg	

NOES—130

Abercrombie	Hamilton	Parker
Baessler	Harman	Pastor
Baldacci	Hayes	Payne (NJ)
Barrett (NE)	Hefner	Payne (VA)
Barrett (WI)	Hilliard	Pelosi
Becerra	Hinche	Peterson (FL)
Beilenson	Hostettler	Rangel
Bereuter	Jackson-Lee	Reed
Berman	Jacobs	Richardson
Bonior	Jefferson	Rivers
Boucher	Johnson (SD)	Roemer
Brewster	Johnson, E. B.	Roybal-Allard
Brown (CA)	Johnston	Rush
Bryant (TX)	Kanjorski	Sabo
Clayton	Kennedy (MA)	Sanders
Clement	Kildee	Sawyer
Clyburn	Klecza	Schroeder
Collins (IL)	Klink	Schumer
Collins (MI)	LaFalce	Serrano
Conyers	Lewis (GA)	Skaggs
Coyne	Lincoln	Slaughter
DeFazio	Lofgren	Stark
DeLauro	Lowe	Studds
Dellums	Luther	Stupak
Dicks	Maloney	Tanner
Dingell	Markey	Taylor (MS)
Dixon	Martinez	Thompson
Doggett	McDermott	Thornton
Dooley	McHale	Torres
Eshoo	McKinney	Towns
Evans	Meehan	Velazquez
Farr	Mfume	Vento
Fattah	Miller (CA)	Visclosky
Fields (LA)	Minge	Ward
Filner	Mink	Watt (NC)
Flake	Moran	Waxman
Foglietta	Morella	Williams
Ford	Nadler	Wise
Frank (MA)	Neal	Woolsey
Furse	Oberstar	Wyden
Gejdenson	Obey	Wynn
Gibbons	Olver	Yates
Gonzalez	Orton	
Hall (OH)	Owens	

NOT VOTING—10

Clay	Salmon	Tucker
Hastings (FL)	Scott	Waters
Moakley	Sisisky	
Reynolds	Stokes	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶119.9 PROVIDING FOR THE
CONSIDERATION OF H.R. 743

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-256) the resolution (H. Res. 226) providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶119.10 PROVIDING FOR THE
CONSIDERATION OF H.R. 1170

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-257) the resolution (H. Res. 227) providing for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

When said resolution and report were referred to the House Calendar and ordered printed.

¶119.11 PROVIDING FOR THE
CONSIDERATION OF H.R. 1601

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-258) the resolution (H. Res. 228) providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station.

When said resolution and report were referred to the House Calendar and ordered printed.

¶119.12 DOD AUTHORIZATION

On motion of Mr. SPENCE, by unanimous consent, the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SPENCE, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

¶119.13 MOTION TO INSTRUCT
CONFEREES—H.R. 1530

Mr. DELLUMS moved that the managers on the part of the House at the

conference on the disagreeing votes of the two Houses on H.R. 1530, be instructed to insist upon amounts for authorization of appropriations for Operations and Maintenance accounts such that the total amount of such authorizations is not less than the total amount authorized for Operation and Maintenance accounts in section 301 of the House bill.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LINDER, announced that the yeas had it.

Mr. DELLUMS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 415
Nays 2

¶119.14 [Roll No. 684]
YEAS—415

Abercrombie	Clayton	Fields (TX)
Ackerman	Clement	Filner
Allard	Clinger	Flake
Andrews	Coble	Flanagan
Archer	Coburn	Foglietta
Armey	Coleman	Forbes
Bachus	Collins (GA)	Ford
Baessler	Collins (IL)	Fowler
Baker (CA)	Combest	Fox
Baker (LA)	Condit	Frank (MA)
Baldacci	Conyers	Franks (CT)
Ballenger	Cooley	Franks (NJ)
Barcia	Costello	Frelinghuysen
Barr	Cox	Frisa
Barrett (NE)	Coyne	Frost
Barrett (WI)	Cramer	Funderburk
Bartlett	Crane	Furse
Barton	Crapo	Gallely
Bass	Creameans	Ganske
Bateman	Cubin	Gejdenson
Becerra	Cunningham	Gekas
Beilenson	Danner	Gephardt
Bentsen	Davis	Geren
Bereuter	de la Garza	Gibbons
Berman	Deal	Gilchrest
Bevill	DeFazio	Gillmor
Bilbray	DeLauro	Gilman
Bilirakis	DeLay	Gonzalez
Bishop	Dellums	Goodlatte
Bliley	Deutsch	Goodling
Blute	Diaz-Balart	Gordon
Boehlert	Dickey	Goss
Bonilla	Dicks	Graham
Bonior	Dingell	Green
Bono	Dixon	Greenwood
Borski	Doggett	Gunderson
Boucher	Dooley	Gutierrez
Brewster	Doolittle	Gutknecht
Brown (CA)	Dornan	Hall (OH)
Brown (FL)	Doyle	Hall (TX)
Brown (OH)	Dreier	Hamilton
Brownback	Duncan	Hancock
Bryant (TN)	Dunn	Hansen
Bryant (TX)	Durbin	Harman
Bunn	Edwards	Hastert
Bunning	Ehlers	Hastings (FL)
Burr	Ehrlich	Hastings (WA)
Burton	Emerson	Hayes
Buyer	Engel	Hayworth
Callahan	English	Hefley
Calvert	Ensign	Hefner
Camp	Eshoo	Heineman
Canady	Evans	Herger
Cardin	Everett	Hilleary
Castle	Ewing	Hilliard
Chabot	Farr	Hinche
Chambliss	Fattah	Hobson
Chapman	Fawell	Hoekstra
Christensen	Fazio	Hoke
Chrysler	Fields (LA)	Holden

Horn	Metcalf	Scott
Hostettler	Meyers	Seastrand
Houghton	Mfume	Sensenbrenner
Hoyer	Mica	Serrano
Hunter	Miller (CA)	Shadegg
Hutchinson	Miller (FL)	Shaw
Hyde	Mineta	Shays
Inglis	Minge	Shuster
Istook	Molinari	Skaggs
Jackson-Lee	Mollohan	Skeen
Jacobs	Montgomery	Skelton
Jefferson	Moorhead	Slaughter
Johnson (CT)	Moran	Smith (MI)
Johnson (SD)	Morella	Smith (NJ)
Johnson, E. B.	Murtha	Smith (TX)
Johnson, Sam	Myers	Smith (WA)
Jones	Myrick	Solomon
Kanjorski	Nadler	Souder
Kaptur	Neal	Spence
Kasich	Nethercutt	Spratt
Kelly	Ney	Stark
Kennedy (MA)	Norwood	Stearns
Kennedy (RI)	Nussle	Stenholm
Kennelly	Oberstar	Stockman
Kildee	Obey	Studds
Kim	Olver	Stump
King	Ortiz	Stupak
Kingston	Orton	Talent
Klecza	Owens	Tanner
Klink	Oxley	Tate
Klug	Packard	Tauzin
Knollenberg	Pallone	Taylor (MS)
LaFalce	Parker	Taylor (NC)
LaHood	Pastor	Tejeda
Lantos	Paxon	Thomas
Largent	Payne (NJ)	Thompson
Latham	Payne (VA)	Thornberry
LaTourette	Pelosi	Thornton
Laughlin	Peterson (FL)	Thurman
Lazio	Peterson (MN)	Tiahrt
Leach	Pickett	Torkildsen
Levin	Pombo	Torres
Lewis (CA)	Pomeroy	Torricelli
Lewis (GA)	Porter	Towns
Lewis (KY)	Portman	Traficant
Lightfoot	Poshard	Upton
Lincoln	Pryce	Velazquez
Linder	Quillen	Vento
Lipinski	Radanovich	Visclosky
Livingston	Rahall	Volkmer
LoBiondo	Ramstad	Vucanovich
Lofgren	Rangel	Waldholtz
Longley	Reed	Walker
Lowe	Regula	Walsh
Lucas	Richardson	Wamp
Luther	Riggs	Ward
Maloney	Rivers	Watt (NC)
Manton	Roberts	Watts (OK)
Manzullo	Roemer	Waxman
Markey	Rogers	Weldon (FL)
Martinez	Rohrabacher	Weldon (PA)
Martini	Ros-Lehtinen	Weller
Mascara	Rose	White
Matsui	Roth	Whitfield
McCarthy	Roukema	Wicker
McCollum	Roybal-Allard	Williams
McCrery	Royce	Wise
McDade	Rush	Wolf
McDermott	Sabo	Woolsey
McHale	Salmon	Wyden
McHugh	Sanders	Wynn
McInnis	Sanford	Yates
McIntosh	Sawyer	Young (AK)
McKeon	Saxton	Young (FL)
McKinney	Scarborough	Zeliff
McNulty	Schaefer	Zimmer
Meehan	Schiff	
Meek	Schroeder	
Menendez	Schumer	

NAYS—2

Neumann

NOT VOTING—17

Boehner	Foley	Reynolds
Browder	Johnston	Sisisky
Chenoweth	Kolbe	Stokes
Clay	Mink	Tucker
Clyburn	Moakley	Waters
Collins (MI)	Quinn	

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

119.15 PROVIDING FOR A CLOSED CONFERENCE—H.R. 1530

Mr. SPENCE moved, pursuant to clause 6(a) of rule XXVIII, that the conference committee meetings between the House and the Senate on the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes; be closed to the public at such times as classified national security information is under consideration; *Provided, however*, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. LINDER, announced that a roll call was required under clause 6(a), rule XXVIII, and the call was taken by electronic device.

It was decided in the { Yeas 414
affirmative Nays 1

119.16 [Roll No. 685] YEAS—414

Abercrombie	Clement	Flanagan
Ackerman	Clinger	Foglietta
Allard	Coble	Foley
Archer	Coburn	Forbes
Armey	Collins (GA)	Ford
Bachus	Collins (IL)	Fowler
Baessler	Collins (MI)	Fox
Baker (CA)	Combust	Frank (MA)
Baker (LA)	Condit	Franks (CT)
Baldacci	Conyers	Franks (NJ)
Ballenger	Cooley	Frelinghuysen
Barcia	Costello	Frisa
Barr	Cox	Frost
Barrett (NE)	Coyne	Funderburk
Barrett (WI)	Cramer	Furse
Bartlett	Crane	Galleghy
Barton	Crapo	Ganske
Bass	Creameans	Geddeson
Bateman	Cubin	Gekas
Becerra	Cunningham	Gephardt
Beilenson	Danner	Geren
Bentsen	Davis	Gibbons
Bereuter	de la Garza	Gilchrest
Berman	Deal	Gillmor
Bevill	DeLauro	Gilman
Bilbray	DeLay	Gonzalez
Bilirakis	Dellums	Goodlatte
Bishop	Deutsch	Goodling
Bliley	Diaz-Balart	Gordon
Blute	Dickey	Goss
Boehlert	Dicks	Graham
Boehner	Dingell	Green
Bonilla	Dixon	Greenwood
Bonior	Doggett	Gunderson
Bono	Dooley	Gutierrez
Borski	Doolittle	Gutknecht
Boucher	Dornan	Hall (OH)
Brewster	Doyle	Hall (TX)
Browder	Dreier	Hamilton
Brown (CA)	Duncan	Hancock
Brown (FL)	Dunn	Hansen
Brown (OH)	Durbin	Harman
Brownback	Edwards	Hastert
Bryant (TN)	Ehlers	Hastings (FL)
Bryant (TX)	Ehrlich	Hastings (WA)
Bunn	Emerson	Hayes
Bunning	Engel	Hayworth
Burr	English	Hefley
Buyer	Ensign	Hefner
Callahan	Eshoo	Heineman
Calvert	Evans	Herger
Camp	Everett	Hilleary
Canady	Ewing	Hilliard
Cardin	Farr	Hinchey
Castle	Fattah	Hobson
Chabot	Fawell	Hoekstra
Chambliss	Fazio	Hoke
Chapman	Fields (LA)	Holden
Christensen	Fields (TX)	Horn
Chrysler	Filner	Hostettler
Clayton	Flake	Houghton

Hoyer	Mfume	Schiff
Hunter	Mica	Schroeder
Hutchinson	Miller (CA)	Schumer
Hyde	Miller (FL)	Scott
Inglis	Mineta	Seastrand
Istook	Minge	Sensenbrenner
Jackson-Lee	Mink	Serrano
Jacobs	Molinari	Shadegg
Jefferson	Mollohan	Shaw
Johnson (CT)	Montgomery	Shays
Johnson (SD)	Moorhead	Shuster
Johnson, E. B.	Moran	Skaggs
Johnson, Sam	Morella	Skeen
Jones	Murtha	Skelton
Kanjorski	Myers	Stlaughter
Kaptur	Myrick	Smith (MI)
Kasich	Nadler	Smith (NJ)
Kelly	Neal	Smith (TX)
Kennedy (MA)	Nethercutt	Smith (WA)
Kennedy (RI)	Neumann	Solomon
Kildee	Ney	Souder
Kim	Norwood	Spence
King	Nussle	Spratt
Kingston	Oberstar	Stark
Klecza	Obey	Stearns
Klink	Olver	Stenholm
Klug	Ortiz	Stockman
Knollenberg	Orton	Studds
Kolbe	Owens	Stump
LaFalce	Oxley	Stupak
LaHood	Packard	Talent
Lantos	Pallone	Tanner
Largent	Parker	Tate
Latham	Pastor	Tauzin
LaTourette	Paxon	Taylor (MS)
Laughlin	Payne (NJ)	Taylor (NC)
Lazio	Payne (VA)	Tejeda
Leach	Pelosi	Thomas
Levin	Peterson (FL)	Thompson
Lewis (GA)	Peterson (MN)	Thornberry
Lewis (KY)	Petri	Thornton
Lightfoot	Pickett	Thurman
Lincoln	Pombo	Tiahrt
Linder	Pomeroy	Torkildsen
Lipinski	Porter	Torres
Livingston	Portman	Torricelli
LoBiondo	Poshard	Towns
Lofgren	Pryce	Traficant
Longley	Quillen	Upton
Lowe	Quinn	Velazquez
Lucas	Radanovich	Vento
Luther	Rahall	Visclosky
Maloney	Ramstad	Volkmer
Manton	Reed	Vucanovich
Manzullo	Regula	Waldholtz
Markey	Richardson	Walker
Martinez	Riggs	Walsh
Martini	Rivers	Wamp
Mascara	Roberts	Ward
Matsui	Roemer	Watts (OK)
McCarthy	Rohrabacher	Weldon (FL)
McCollum	Ros-Lehtinen	Weldon (PA)
McCrery	Rose	Weller
McDade	Roth	White
McDermott	Roukema	Whitfield
McHale	Roybal-Allard	Wicker
McHugh	Royce	Williams
McInnis	Rush	Wise
McIntosh	Sabo	Wolf
McKeon	Salmon	Woolsey
McKinney	Sanders	Wyden
McNulty	Sanford	Wynn
Meehan	Sawyer	Yates
Meek	Saxton	Young (AK)
Menendez	Scarborough	Young (FL)
	Schaefer	Zeliff
		Zimmer

NAYS—1

DeFazio

NOT VOTING—19

Andrews	Kennelly	Tucker
Burton	Lewis (CA)	Waters
Chenoweth	Moakley	Watt (NC)
Clay	Rangel	Waxman
Clyburn	Reynolds	Wilson
Coleman	Sisisky	
Johnston	Stokes	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶119.17 APPOINTMENT OF CONFEREES—
H.R. 1530

Thereupon, the SPEAKER pro tempore, Mr. LINDER, by unanimous consent, announced the appointment of the following Members as managers on the part of the House at said conference:

From the Committee on National Security, for consideration of the House bill (except for sections 801-03, 811-14, 826, 828-32, 834-38, 842-43, 850-96) and the Senate amendment except for sections 801-03, 815-818, 2851-57, and 4001-4801), and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON (PA), DORNAN, HEFLEY, SAXTON, CUNNINGHAM, BUYER, TORKILDSEN, Mrs. FOWLER, and Messrs. MCHUGH, WATTS (OK), JONES, LONGLEY, DELLUMS, MONTGOMERY, Mrs. SCHROEDER, and Messrs. SKELTON, SISKY, SPRATT, ORTIZ, PICKETT, EVANS, TANNER, BROWDER, TAYLOR (MS), ABERCROMBIE, EDWARDS, and PETERSON (FL).

From the Committee on National Security, for consideration of sections 801-03, 811-14, 826, 828-32, 834-38, 842-43, and 850-96 of the House bill and sections 801-03 and 815-818 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, WATTS (OK), DELLUMS, and SPRATT.

From the Committee on National Security, for consideration of sections 2851-57 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, HEFLEY, JONES, ORTIZ, and MONTGOMERY.

From the Committee on National Security, for consideration of sections 4001-4801 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, TORKILDSEN, WATTS (OK), LONGLEY, DELLUMS, EDWARDS, and PETERSON (FL).

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Messrs. COMBEST, YOUNG (FL), and DICKS.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851-57 of the Senate amendment, and modifications committed to conference:

Messrs. ROBERTS, ALLARD, LAHOOD, DE LA GARZA, and JOHNSON (SD).

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402-04 of the House bill and sections 323, 601, 705, 734, 2824, 2851-57, 3106-07, 3166, and 3301-02 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, SCHAEFER, and DINGELL.

Provided, Mr. OXLEY is appointed in lieu of Mr. SCHAEFER for consideration of sections 323, 2824, and 3107 of the Senate amendment.

Provided, Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration

of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment.

Provided, Mr. HASTERT is appointed in lieu of Mr. SCHAEFER for consideration of sections 2851-57 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, RIGGS, and CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332, 333, and 338 of the House bill, and sections 333 and 336-43 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, MICA, BASS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801-03, 811-14, 826, 828-32, 834-40, and 842-43 of the House bill, and sections 801-03 and 815-818 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, HORN, DAVIS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850-96 of the House bill, and modifications committed to conference:

Messrs. CLINGER, DAVIS, and Mrs. COLLINS (IL).

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001-4801 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, SCHIFF, ZELIFF, HORN, DAVIS, Mrs. COLLINS (IL), Mrs. MALONEY, and Mr. SPRATT.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, ROBERTS, and HOYER.

As additional conferees from the Committee on International Relations, for consideration of sections 231-32, 235, 237-38, 242, 244, 1101-08, 1201, 1213, 1221-30, and 3131 of the House bill and sections 231-33, 237-38, 240-41, 1012, 1041-44, 1051-64, and 1099 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, ROTH, BEREUTER, SMITH (NJ), HAMILTON, GEJDENSON, and LANTOS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850-96 the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, GEKAS, and CONYERS.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

Messrs. SOLOMON, DREIER, and BEIL-ENSON.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220-21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

Messrs. WALKER, SENSENBRENNER, and BROWN (CA).

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851-57 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, WELLER, and OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644-45 and 4604 of the Senate amendment, and modifications committed to conference:

Messrs. SMITH (NJ), HUTCHINSON, and KENNEDY (MA).

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, THOMAS, and STARK.
Ordered, That the Clerk notify the Senate thereof.

¶119.18 ADJOURNMENT OVER

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12 o'clock noon on Monday, September 25, 1995.

¶119.19 ADJOURNMENT OVER

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That when the House adjourns on Monday, September 25, 1995, it adjourn to meet at 12 o'clock noon on Wednesday, September 27, 1995.

¶119.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. ARMEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, September 27, 1995, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶119.21 SUBPOENA

The SPEAKER pro tempore, Mrs. MYRICK, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

Washington, DC, September 21, 1995.

Hon. NEWT GINGRICH,

Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L(50) of the Rules

of the House that a member of my staff has been served with a subpoena for testimony and the production of documents by the Court of Common Pleas, Lackawanna County, State of Pennsylvania in connection with a civil case.

After consultation with the office of the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JOSEPH M. MCDADE,
Member of Congress.

¶119.22 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶119.23 MESSAGE FROM THE PRESIDENT—HIGHWAY SAFETY

The SPEAKER pro tempore, Mr. HOBSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I transmit herewith the 1994 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1995.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Transportation and Infrastructure.

¶119.24 SUBMISSION OF CONFERENCE REPORT—H.R. 1977

Mr. REGULA submitted a conference report (Rept. No. 104-259) on the bill (H.R. 1977) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶119.25 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

¶119.26 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An Act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An Act to clarify the rules governing venue, and for other purposes.

And then,

¶119.27 ADJOURNMENT

On motion of Mr. DORNAN, pursuant to the special order heretofore agreed to, at 9 o'clock and 45 minutes p.m., the House adjourned until 12 o'clock noon on Monday, September 25, 1995.

¶119.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 2277. A bill to abolish the Legal Services Corporation and provide the States with money to fund qualified legal services; with an amendment (Rept. No. 104-255). Referred to the Committee of the Whole House on the State of the Union.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 226. Resolution providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes (Rept. No. 104-256). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 227. Resolution providing for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court (Rept. No. 104-257). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 228. Resolution providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station (Rept. No. 104-258). Referred to the House Calendar.

Mr. REGULA: Committee of Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104-259). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1756. A bill to abolish the Department of Commerce; with an amendment (Rept. No. 104-260 Pt. 1). Ordered to be printed.

¶119.29 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1815. Referral to the Committee on Resources extended for a period ending not later than September 29, 1995.

¶119.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER (for himself, Ms. WATERS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 2370. A bill to amend title 38, United States Code, to extend the veterans' adjustable rate mortgage demonstration project through the first 3 months of fiscal year 1996; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. CRANE, and Mr. DREIER):

H.R. 2371. A bill to provide trade agreements authority to the President; to the

Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself, Mr. CREMEANS, Mr. NEY, Mr. MOLLOHAN, Mr. HANSEN, Mr. HAYWORTH, Mr. THORNBERRY, Mr. ALLARD, Mr. CALVERT, Mr. DOOLITTLE, Mr. POMBO, and Mr. COOLEY):

H.R. 2372. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that act with respect to surface coal mining and reclamation operations, and for other purposes; to the Committee on Resources.

By Mr. BONILLA (for himself, Mr. DURBIN, Mr. THORNBERRY, Mr. KIM, and Mr. MILLER of Florida):

H.R. 2373. A bill to provide that neither the President, the Vice President, nor any Member of Congress shall be paid during Federal Government shutdowns; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mrs. MORELLA, Mr. SHAYS, Mr. BOEHLERT, Mr. CASTLE, Mr. GREENWOOD, and Mr. WELDON of Pennsylvania):

H.R. 2374. A bill to amend the Endangered Species Act of 1973 to encourage the continued conservation of America's natural legacy for future generations; provide incentives for States, local governments, and private landowners to conserve species; and otherwise improve the act through increased flexibility and broader cooperation; to the Committee on Resources.

By Mr. LANTOS:

H.R. 2375. A bill to amend title 5, United States Code, to modify the early-retirement reduction provisions with respect to certain Federal employees who are separated from service due to a base closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. MCHALE:

H.R. 2376. A bill to develop a program regarding career opportunities by making such information available on publicly accessible networks and other electronic media; to the Committee on Economic and Educational Opportunities.

H.R. 2377. bill to provide authority to executive departments and agencies to issue rulings respecting application of laws under their jurisdiction; to the Committee on Government Reform and Oversight.

H.R. 2378. A bill to amend the White House Conference on Small Business Authorization Act to require the final report of the national conference to be published in the Federal Register and distributed through the regional offices of the Small Business Administration; to the Committee on Small Business.

H.R. 2379. A bill to amend the Small Business Act to modify requirements relating to the personal net worth of individuals who may be considered economically disadvantaged for the purpose of receiving contract awards under section 8(a) of that act; to the Committee on Small Business.

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

H.R. 2381. A bill to amend the Internal Revenue Code of 1986 to disregard up to \$15 million of capital expenditures in applying the provisions permitting a \$10 million limit on qualified small issue bonds; to the Committee on Ways and Means.

H.R. 2382. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for 20 percent of the employee training expenses paid or incurred by the employer; to the Committee on Ways and Means.

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to modify certain rules relating to subchapter S corporations; to the Committee on Ways and Means.

H.R. 2384. A bill to amend the Internal Revenue Code of 1986 to restore the 10 percent regular investment tax credit; to the Committee on Ways and Means.

H.R. 2385. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for gain from certain small business stock to 100 percent for stock held for more than 10 years; to the Committee on Ways and Means.

By Mr. SCHUMER (by request):

H.R. 2386. A bill to save the lives of police officers; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mrs. MORELLA):

H.R. 2387. A bill to amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2389. A bill to combat fraud and abuse in the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2390. A bill to revise the restrictions under the Medicare Program against payment for services furnished by a facility in which the referring physician has an ownership interest, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER:

H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; to the Committee on Economic and Educational Opportunities.

By Mr. COOLEY:

H.R. 2392. A bill to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H. Con. Res. 103. Concurrent resolution expressing support for equal and fair access to higher education in the Albanian language in the former Yugoslav Republic of Macedonia; to the Committee on International Relations.

¶119.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced a bill (H.R. 2388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Shaka Maru*; which was referred to the Committee on Transportation and Infrastructure.

¶119.32 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. HASTERT.

H.R. 65: Mr. TATE.

H.R. 104: Mr. KIM and Mr. PAYNE of Virginia.

H.R. 109: Mr. DOOLITTLE.

H.R. 303: Mr. TATE.

H.R. 326: Mr. GOSS.

H.R. 436: Mr. HOEKSTRA.

H.R. 468: Mr. GILMAN.

H.R. 789: Mr. ENSIGN.

H.R. 803: Mr. WHITE.

H.R. 892: Mr. LIPINSKI.

H.R. 941: Mr. KLECZKA.

H.R. 945: Mr. PARKER, Mr. COSTELLO, Mr. JEFFERSON, Mr. LIPINSKI, Mr. CHAMBLISS, Mr. DEFAZIO, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. WATTS of Oklahoma, Mr. HASTERT, Mr. ALLARD, Mr. CHRYSLER, Mr. BROWNBARK, Mr. CLEMENT, Mr. GILLMOR, Mr. EHRLICH, Mr. KINGSTON, and Mr. KLUG.

H.R. 957: Mr. COBLE and Mr. MCKEON.

H.R. 1003: Mr. HALL of Texas and Mr. MINGE.

H.R. 1061: Mr. HOLDEN and Mr. LAUGHLIN.

H.R. 1078: Ms. LOFGREN and Mr. ACKERMAN.

H.R. 1161: Mr. CLEMENT and Mr. SOUDER.

H.R. 1595: Mr. LONGLEY, Mr. CAMP, Mr. MARTINI, Mr. DURBIN, Mrs. MEYERS of Kansas, Mr. SCHIFF, and Mr. KENNEDY of Rhode Island.

H.R. 1619: Mr. FAWELL.

H.R. 1711: Mr. BAKER of Louisiana.

H.R. 1713: Mr. SMITH of Texas.

H.R. 1747: Mr. GREENWOOD and Ms. PELOSI.

H.R. 1776: Mr. SABO, Mr. DINGELL, and Mr. QUINN.

H.R. 1920: Mr. WELDON of Pennsylvania and Mr. HOLDEN.

H.R. 2146: Mr. COYNE, Mr. CAMP, and Mr. KLUG.

H.R. 2195: Mrs. SEASTRAND.

H.R. 2244: Mr. WELLER.

H.R. 2265: Mr. ZELIFF, Mr. HEFNER, Mr. SCARBOROUGH, and Mr. WARD.

H.R. 2271: Ms. LOFGREN.

H.R. 2326: Mr. BEREUTER, Mr. FROST, Mr. GEJDENSON, Mr. ENGLISH of Pennsylvania, Ms. MOLINARI, Mr. BARRETT of Wisconsin, and Mr. ACKERMAN.

H.R. 2338: Mr. ACKERMAN.

H.R. 2353: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, Mr. CLEMENT, and Mr. BARR.

H.R. 2363: Mr. HOEKSTRA.

H. Res. 30: Mr. FRANKS of New Jersey and Mr. FIELDS of Louisiana.

H. Res. 134: Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mr. BEILSON, Mr. ENSIGN, Mr. GANSKE, Mr. GRAHAM, Mr. LUTHER, Mr. FOX, Mr. HAYWORTH, Mr. FOLEY, and Mr. CHRYSLER.

H. Res. 214: Mr. INGLIS of South Carolina, Mr. FORBES, Mr. LEACH, and Mr. LOBIONDO.

¶119.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 94: Mr. PETERSON of Minnesota.

MONDAY, SEPTEMBER 25, 1995 (120)

¶120.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TATE, who laid before the House the following communication:

WASHINGTON, DC,
September 25, 1995.

I hereby designate the Honorable RANDY TATE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶120.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TATE, announced he had examined and approved the Journal of the proceedings of Thursday, September 21, 1995.

Pursuant to clause 1, rule I, the Journal was approved.

¶120.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1456. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill entitled the "Gold Bullion Coin Amendments of 1995"; to the Committee on Banking and Financial Services.

1457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95-43: Drawdown of Commodities and Services from the Department of the Treasury to support the continued presence and activities of United States members of the EU/OSCE Sanctions Assistance Missions on the borders of Serbia and Montenegro, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

1458. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1459. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination 95-38 regarding the eligibility for Mongolia to be furnished defense articles and services under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2311; to the Committee on International Relations.

¶120.4 SUBMISSION OF CONFERENCE REPORT—H.R. 2126

Mr. YOUNG of Florida submitted a conference report (Rept. No. 104-836) on the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

And then,

¶120.5 ADJOURNMENT

On motion of Mrs. MINK, pursuant to the special order agreed to on Thursday, September 21, 1995, at 1 o'clock and 12 minutes p.m., the House adjourned until 12:00 o'clock noon on Wednesday, September 27, 1995.